

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DELAGÉ LANDEN FINANCIAL  
SERVICES, INC.,

Plaintiff,

TOSHIBA AMERICA MEDICAL  
SYSTEMS, INC.

Plaintiff/Intervener,

v.

DESOTO DIAGNOSTIC IMAGING, LLC., et al.

Defendants and Counter-  
Claimants

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CIVIL ACTION NO. 2:02CV2810

**ORDER**

AND NOW, this \_\_\_\_\_ day of May 2004, IT IS HEREBY ORDERED that the tax returns filed as exhibit 26 to Defendant TAMS Motion for Summary Judgment (Document No. 112 - two bound volumes), be marked SEALED, and the Clerk of Court take such action as necessary to ensure that this exhibit is filed in a sealed envelope.

BY THE COURT:

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Ronald L. Buckwalter

J.

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CIVIL ACTION NO. 2:02CV2810

**MOTION TO SEAL DEFENDANT'S TAX RETURN  
FILED AS EXHIBIT 26 IN THE APPENDIX TO  
DEFENDANT TAMS' SUMMARY JUDGMENT MOTION**

Defendants, through counsel, move to seal Desoto's tax returns at Ex. 26 filed in one of two bound volumes as part of the Appendix to defendants' motion for summary judgment (Docket No. 112) and in support thereof states as follows:

1. On April 12, 2004, TAMS filed its summary judgment motion and appendix to its summary judgment motion. (Docket No. 112)
2. Desoto's tax returns, without its EIN number redacted were included at Ex. 26.
3. By letter on approximately April 30, 2004, counsel for Desoto asked plaintiff's counsel to agree that those tax returns, previously designated confidential, could be sealed.

4. Peter Boyer, DLL's counsel, objected to this request. There was no response from TAMS, counsel John Chesney.

5. The publicly filed exhibit contains the IRS EIN number for Desoto and contains information about Desoto's income and expenses, all of which could easily be misappropriated and used in an unlawful manner. It is irresponsible for Plaintiffs to insist that such material remain public.

6. Plaintiffs have not made any effort to seal the tax returns and exhibits, nor have they offered to assist Desoto in preventing their disclosure.

WHEREFORE, for all the reasons set forth, Defendant Desoto requests this Motion be granted and that Ex. 26 in the Appendix to TAMS Summary Judgment Motion (Docket No. 112) be filed in sealed envelopes in the Clerk of Court's office.

Respectfully submitted,

By:

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Kyle P. Tate  
for Tate Law Firm  
9085 Sandidge Center Cove  
Olive Branch, MS 38654  
(662) 893-8833

Lynanne B. Wescott  
The Wescott Law Firm P.C.  
Two Penn Center Plaza, Suite 200  
Philadelphia, PA 19102  
(215) 755-6330

William Matthews  
SAUL EWING LLP  
Center Square West  
1500 Market Street, 38th Fl.  
Philadelphia, PA 19102-2186  
(215) 972-7106

Dated: May \_\_, 2004

Attorneys for Defendants  
Desoto Diagnostic  
Imaging, LLC, *et al*

**CERTIFICATE OF SERVICE**

I certify that I am this day serving a copy of the foregoing Motion to Seal Defendant's Tax Return Filed as Exhibit 26 in the Appendix to Defendant TAMS' Summary Judgment Motion upon the persons and in the manner indicated below:

Service by hand delivery to:

Mr. John Chesney  
Ms. Julianne Peck  
Mr. Jonathan Sturz  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18th & Cherry Streets  
Philadelphia, PA 19103-6996

Mr. Peter Boyer  
Ms. Rosetta B. Packer  
MCCARTER & ENGLISH, LLP  
Mellon Bank Center, Suite 700  
1735 Market Street  
Philadelphia, PA 19103-7501

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Kyle P. Tate

Dated: May \_\_, 2004